

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.
0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **David R Racioppi**

Case No.: **16-17897**

Judge: **Hon. Michael B. Kaplan, USBJ**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

Original
 Motions Included

Modified/Notice Required
 Modified/No Notice Required

Date: **4/25/2016**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney JMG Initial Debtor: DRR Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 250.00 Monthly to the Chapter 13 Trustee, starting on May 1, 2016 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future Earnings

Other sources of funding (describe source, amount and date when funds are available):**Debtor to obtain loan from family to payoff Chapter 13 case, including, but not limited to, amounts owed to secured creditor. Payoff amount to secured creditor to be paid outside Plan based on Final Judgment entered in Foreclosure plus post-judgment interest and advances (less payments received).**

c. Use of real property to satisfy plan obligations:

Sale of real property
Description: _____
Proposed date for completion: _____

Refinance of real property:
Description: _____
Proposed date for completion: _____

Loan modification with respect to mortgage encumbering property:
Description: _____
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:
Debtor filing Motion to Allow Gift from family member for payoff.

Part 2: Adequate Protection

NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Justin M. Gillman, Esq.	Attorney Fees	288.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the

allowed secured claim shall discharge the corresponding lien.

e. Surrender NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan NONE

The following secured claims are unaffected by the Plan:

Creditor

Specialized Loan Servicing/SLS: Debtor filing Motion to Fix Payoff Amount to Secured Creditor based on Final Judgment to be paid outside Plan through gift from family member.

g. Secured Claims to be Paid in Full Through the Plan NONE

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$____ to be distributed *pro rata*
 Not less than 100 percent
 Pro Rata distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, *Notice of Chapter 13 Plan Transmittal* and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/6/2016.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Debtor has gift from family available to payoff Chapter 13 case.	Debtor has gift from family available to payoff Chapter 13 case.

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date February 22, 2018

/s/ Justin M. Gillman, Esq.

Justin M. Gillman, Esq.

Attorney for the Debtor

/s/ David R Racioppi

David R Racioppi

Debtor

Date: February 22, 2018

/s/ Justin M. Gillman, Esq.

Justin M. Gillman, Esq.

Attorney for the Debtor

Date: February 22, 2018

/s/ Justin M. Gillman, Esq.

Justin M. Gillman, Esq.

Attorney for the Debtor

Date: February 22, 2018

/s/ Justin M. Gillman, Esq.

Justin M. Gillman, Esq.

Attorney for the Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date February 22, 2018

/s/ Justin M. Gillman, Esq.

Justin M. Gillman, Esq.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: February 22, 2018

/s/ David R Racioppi

David R Racioppi

Debtor

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Date: February 22, 2018

/s/ David R Racioppi

David R Racioppi

Debtor

Date: February 22, 2018

Certificate of Notice Page 7 of 8
United States Bankruptcy Court
District of New JerseyIn re:
David R Racioppi
DebtorCase No. 16-17897-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 44

Date Rcvd: Feb 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 28, 2018.

db +David R Racioppi, 6 Irene Court, Edison, NJ 08820-1024
 cr +Specialized Loan Servicing LLC as servicing agent, P. O. Box 9013, Addison, TX 75001-9013
 516136377 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: American Honda Finance, 201 Little Falls Dr, Wilmington, DE 19808)
 516136381 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
 516136379 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 516136385 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
 516136384 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 516136388 +Chase Card Services, Po Box 15298, Wilmington, DE 19850-5298
 516136386 +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 516136390 +Chase Mtg, Po Box 24696, Columbus, OH 43224-0696
 516136393 Equifax, P.O. Box 740241, Atlanta, GA 30374-0241
 516136394 +Experian, 475 Anton Blvd, Costa Mesa, CA 92626-7037
 516136397 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Credit, National Bankruptcy Service Center, Po Box 62180, Colorado Springs, CO 80962)
 516136395 Firts Premier Bank, 601 S Minneapolis Ave, Sioux Falls, SD 57104
 516136396 +Firts Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 516136398 +Ford Credit, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3440
 516136403 M&t Credit Services Ll, 1100 Worley Drive, Consumer Asset Management 2nd Floor/Attn, Williamsville, NY 14221
 516136405 +Middlesex County Sheriff's Office, 701 Livingston Ave., P.O. Box 1188, New Brunswick, NJ 08903-1188
 516136407 Pluese, Becker & Saltzman, 200000 Horizon Way, Suite 900, Mount Laurel, NJ 08054
 516257352 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245, Trenton, NJ 08695-0245)
 516136409 +Specialized Loan Servicing/SLS, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
 516136408 +Specialized Loan Servicing/SLS, Attn: Bankruptcy, Po Box 636005, Littleton, CO 80163-6005
 516136410 +State of New Jersey Division of Taxation, Revenue Processing Center, PO Box 111, Trenton, NJ 08645-0111
 516136413 TransUnion, P.O. Box 2000, Crum Lynne, PA 19022
 516378603 +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516136415 #+Verizon, Po Box 49, Lakeland, FL 33802-0049
 516136414 +Verizon, 500 Technology Dr, Suite 500, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 27 2018 00:05:43 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 27 2018 00:05:42 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 cr E-mail/Text: cio.bnccmail@irs.gov Feb 27 2018 00:05:25 IRS Department of Treasury, 955 S. Springfield Ave, Bldg A, Springfield, NJ 07081
 516136375 E-mail/Text: ebnbankruptcy@ahm.honda.com Feb 27 2018 00:05:49 American Honda Finance, Po Box 168088, Irving, TX 75016
 516136371 +E-mail/Text: ally@ebn.phinsolutions.com Feb 27 2018 00:05:11 Ally Financial, Po Box 380901, Bloomington, MN 55438-0901
 516136374 +E-mail/Text: ally@ebn.phinsolutions.com Feb 27 2018 00:05:11 Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300
 516136392 E-mail/Text: mrdiscen@discover.com Feb 27 2018 00:05:12 Discover Financial, Po Box15316, Wilmington, DE 19850
 516136391 +E-mail/Text: mrdiscen@discover.com Feb 27 2018 00:05:12 Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
 516136399 +E-mail/Text: ally@ebn.phinsolutions.com Feb 27 2018 00:05:11 G M A C, Po Box 105677, Atlanta, GA 30348-5677
 516136401 +E-mail/Text: ally@ebn.phinsolutions.com Feb 27 2018 00:05:11 Gmac, P.o. Box 380901, Bloomington, MN 55438-0901
 516136404 +E-mail/Text: camanagement@mtb.com Feb 27 2018 00:05:35 M&t Credit Services Ll, 1100 Wehrle Drive, Williamsville, NY 14221-7748
 516136406 +E-mail/Text: bankruptcy@onlineis.com Feb 27 2018 00:06:05 Online Collections, Po Box 1489, Winterville, NC 28590-1489
 516366056 E-mail/PDF: gecscedi@recoverycorp.com Feb 27 2018 08:51:38 Synchrony Bank, c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
 516136412 +E-mail/PDF: gecscedi@recoverycorp.com Feb 27 2018 08:51:38 Synchrony Bank/Care Credit, 950 Forrer Blvd, Kettering, OH 45420-1469
 516136411 +E-mail/PDF: gecscedi@recoverycorp.com Feb 27 2018 08:51:38 Synchrony Bank/Care Credit, Attn: bankruptcy, Po Box 103104, Roswell, GA 30076-9104

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 44

Date Rcvd: Feb 26, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

516136417 +E-mail/Text: vci.bkcy@vwcredit.com Feb 27 2018 00:05:49 Volkswagen Credit, Inc,
1401 Franklin Blvd, Libertyville, IL 60048-4460
516136416 +E-mail/Text: vci.bkcy@vwcredit.com Feb 27 2018 00:05:49 Volkswagen Credit, Inc, Po Box 3,
Hillsboro, OR 97123-0003

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516136378* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, 201 Little Falls Dr,
Wilmington, DE 19808)
516136376* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, Po Box 168088, Irving, TX 75016)
516136373* +Ally Financial, P O Box 380901, Bloomington, MN 55438-0901
516136372* +Ally Financial, Po Box 380901, Bloomington, MN 55438-0901
516136382* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
516136380* +Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
516136387* +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
516136389* +Chase Card Services, Po Box 15298, Wilmington, DE 19850-5298
516136400* +G M A C, Po Box 105677, Atlanta, GA 30348-5677
516136402* Internal Revenue Service (IRS), Department of Treasury, P.O. Box 7346,
Philadelphia, PA 19101-7346
516501948* +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,
8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
516831254* +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,
8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
516136383 ##+Capital One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3438

TOTALS: 0, * 12, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable.
Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed.
The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 28, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on February 22, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Specialized Loan Servicing LLC, as servicer for
Citigroup Mortgage Loan Trust Inc. Asset-Backed Pass-Through Certificates Series 2005-HE3, U.S.
Bank National Association, as Trustee dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
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TOTAL: 5